

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: BAIR HUGGER FORCED AIR WARMING PRODUCT LIABILITY LITIGATION MDL No.: 15-md-02666 (JNE/FLN)

This Document Relates To:

RAY LISTER,
Plaintiff,
Civil Action No.: 17-CV-04336-JNE-FLN

DECLARATION OF SAMANTHA RODRIGUEZ IN SUPPORT OF PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO DISMISS

I, Samantha Rodriguez, declare as follows:

1. I am an attorney at Kennedy Hodges, LLP and Counsel for Plaintiff Ray Lister in the above-captioned matter.
2. I submit this affidavit in opposition to Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 23 [Dkt. 1354] filed on July 12, 2018.
3. This case was filed on September 21, 2017 to comply with the statute of limitations deadline.
4. Plaintiff passed away on January 20, 2018
5. Pursuant to Pretrial Order No. 23 Plaintiff filed a Suggestion of Death on April 6, 2018.

6. Phone calls have been made and letters have been sent by staff at Kennedy Hodges in attempt to reach Mr. Lister's heirs to obtain the information necessary to file a Motion for Substitution.
7. As we have been unable to obtain the information necessary to file a Motion for Substitution, we have not been able to comply with PTO 23(b).

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

July 19, 2018

/s/Samantha Rodriguez
Samantha Rodriguez